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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General provided pursuant to Commission on Human Rights decision 1991/106

1. The Commission on Human Rights, in its decision 1991/106, postponed to its forty-eighth session the debate under the agenda sub-item entitled "Question of human rights in Cyprus", it being understood that "action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation". The present report is provided pursuant to that decision.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees; considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities; called for the tracing of and accounting for missing persons in Cyprus without any further delay; and called for the restoration and respect of the human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. In his statements of 27 March 1991 and 27 June 1991 delivered at informal consultations of the members of the Security Council, the Secretary-General reported on the talks which had taken place with the leaders of the two communities to explore ideas that could bring the two sides within range of an agreement on each of the headings of an overall framework agreement. He also reported that this process had been supported by a series of discussions between the Director in charge of the Cyprus question in his Office and a senior official of the Ministry of Foreign Affairs of Turkey.

4. The Secretary-General expressed the view that the clarifications that had emerged from these discussions should make it possible to advance on a number of issues, notably those related to overall objectives of the agreement, guiding principles of the federation and security and guarantee. At the same time he underlined that several headings remained to be dealt with before the two sides could be brought within range of an agreement, notably territorial adjustments and displaced persons.

5. The Secretary-General also informed the members of the Council that at the end of May 1991 he had had a telephone conversation with President Ozal of Turkey to review the situation in Cyprus and that President Ozal had suggested that a high-level meeting involving the leaders of the two communities in Cyprus and of Greece and Turkey under the chairmanship of the Secretary-General could give this effort strong impetus and help the two sides reach agreement. The Secretary-General told the members of the Council that he was attracted by the idea of convening a high-level international meeting provided it was thoroughly prepared to ensure its success. To this end, he proposed that his representatives meet with all concerned during the months of July and August 1991 to try to work out a set of ideas on each of the eight headings of an overall framework agreement.

6. On 28 June 1991, the members of the Council issued a statement through their President (S/22744), as they had done on 28 March 1991 (S/22415), reiterating their full support for the Secretary-General's current efforts and regretting that, despite his efforts, the necessary progress had not yet been made on the outstanding issues. The members of the Council endorsed the Secretary-General's view that a high-level international meeting, if properly prepared, could give his effort the necessary impetus and endorsed his intention to have his aides meet with all concerned in July and August to try to work out a set of ideas that would bring the two sides within range of an agreement. The members of the Council requested the Secretary-General to provide a full report to the Council by the end of August on the outcome of his efforts.

7. It was not until 8 October that the Secretary-General was in a position to provide to the Security Council the full report it had requested (S/23121). He reported on his discussions with President Ozal and Prime Minister Yilmaz and on the discussions of President Bush of the United States of America with Prime Minister Mitsotakis of Greece and President Ozal and Prime Minister Yilmaz of Turkey in support of his mission of good offices on Cyprus.

8. The Secretary-General informed the Council on the first round of discussions which had taken place in July and August between his representatives and senior Turkish and Greek officials in Ankara and Athens and with the leaders of the two communities in Nicosia. During these talks, the representatives of the Secretary-General presented ideas for each of the headings of an overall agreement (except transitional arrangements). In areas where during previous discussions the two sides appeared to be relatively close, the ideas were fully elaborated (i.e. overall objectives of an agreement, guiding principles of the federation, the powers and functions of the federal government, the federal legislature, the federal judiciary and security and guarantee). In areas that had not yet been adequately discussed, a variety of options were presented to stimulate discussions (i.e. displaced persons, federal executive and territorial adjustments).

9. During the first half of August 1991, the set of ideas was revised in the light of these discussions and concrete ideas were elaborated in the areas that had previously contained only options. In addition, ideas on transitional arrangements and goodwill measures were also prepared. The second round of talks to review the revised set of ideas took place in Ankara, Athens and with both sides in Nicosia during the second half of August and the first half of September. The Secretary-General pointed out that the revised set of ideas that had emerged from the talks in Ankara represented an important step forward which provided the basis on which an agreement could be worked out.

10. The leaders of both communities in Cyprus agreed that, in view of the comprehensive manner in which the set of ideas had been elaborated, it would be possible to omit the preparation of an outline of an agreement and to proceed directly to completing an overall framework agreement. In addition, it was agreed that the preparation of the agreement should be essentially completed to the satisfaction of both sides before convening the high-level meeting. These understandings were also endorsed by Greece and Turkey.

11. The Secretary-General reported to the Council on the respective reactions of the leaders of the two communities in Cyprus to the set of ideas. He went on to note that the developments of the past few months had raised justifiable expectations that significant progress would be made and that a high-level meeting would take place in September to conclude an overall framework agreement. He underlined that the set of ideas that his representatives had brought to Cyprus at the end of August represented an important step forward which must be preserved and used as a basis for completing the overall framework agreement.

12. On 11 October 1991, the Security Council, after considering the report of the Secretary-General of 8 October 1991, adopted resolution 716 in which the Council noted with concern the difficulties encountered in completing the work, reaffirmed earlier positions and principles and called upon the parties to adhere fully to these principles. It endorsed the Secretary-General's intention to resume discussions in early November; considered that the convening of a high-level international meeting chaired by the Secretary-General in which the two communities in Cyprus and Greece and Turkey would participate represented an effective mechanism for concluding an overall framework agreement on Cyprus; requested the leaders of the two communities

and of Greece and Turkey to cooperate fully with the Secretary-General and his representatives; and requested the Secretary-General to report to the Security Council in November 1991 whether sufficient progress had been made to convene the high-level international meeting.

13. On 19 December 1991, Secretary-General Pérez de Cuéllar presented to the Security Council his final report on his mission of good offices in Cyprus (S/23300). He explained why the discussions foreseen by the Council had to be postponed and expressed the view that the process could resume in early 1992. Reviewing his recent efforts, the Secretary-General reaffirmed that progress had been made in preparing a set of ideas for an overall framework agreement. "The set of ideas that evolved from these talks represents an important step forward for arriving at an overall agreement on Cyprus. On a significant number of issues, the ideas should make it possible for the two sides to reach agreement. The framework of a settlement has become clear." He indicated that he remained convinced that, if it were possible to move forward on territorial adjustments and displaced persons, an overall framework agreement would be within reach.

14. In his concluding observations, the Secretary-General noted that there was ample proof that the status quo in Cyprus was not an option and that the disturbing current situation must be solved. It was, he added, vital that the set of ideas that had emerged from the talks that his representatives had in Ankara in August 1991 be preserved and completed in preparation for a high-level international meeting. He called on the leaders of the two communities in Cyprus and of Greece and Turkey to devote their full energies to this task so that the long-overdue solution could be reached and the two communities could live together in Cyprus in harmony, security and prosperity.

15. On 23 December 1991, the members of the Security Council once again issued a statement through the Council President (S/23316). Having expressed their deep gratitude to the Secretary-General's long and tireless efforts and having reaffirmed resolutions 649 (1990) and 716 (1991), the Council members unanimously endorsed the Secretary-General's report of 19 December 1991 (S/23300) and shared his view that a solution of the Cyprus problem was long overdue. Continuing to view the convening of an international high-level meeting chaired by the Secretary-General in which the two communities and Greece and Turkey would participate as an effective mechanism for concluding an overall framework agreement, the Council members requested the leaders of the two communities and of Greece and Turkey to cooperate fully with the Secretary-General in completing on an urgent basis the set of ideas on an overall framework agreement. Finally, the members of the Council asked the Secretary-General to report to the Council by April 1992 whether sufficient progress had by then been made to convene the high-level international meeting.

16. Pending a settlement, the United Nations Force in Cyprus (UNFICYP) has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island, whose number stood at 564 at the end of November 1991. UNFICYP officers have continued to interview, in private, Greek Cypriots who apply for permanent transfer to the southern part in order to verify that all transfers take place voluntarily.

Seventeen such transfers took place during the period 1 December 1990 to 30 November 1991. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots living in the northern part to the southern part for family and other reasons. During the above-mentioned period, there were over 1,000 such temporary transfers. UNFICYP continued to assist in arranging contact between Maronites living on the island, 258 of whom reside in the northern part of the island. UNFICYP also continued its periodic visits to the Turkish Cypriots living in the southern part of the island and to help them maintain contact with their relatives in the northern part. UNFICYP arranged 20 family reunions involving 98 persons at the Ledra Palace Hotel.

17. A number of issues concerning the Greek Cypriots living in the Karpas region remained unresolved. The questions of refurbishing the Greek Cypriot elementary schools in the northern part of Cyprus and the Cape Andreas monastery, the installation of a telephone line from the Karpas region to the southern part of the island, more frequent temporary transfers and possible visits from families living in the southern part and abroad were still being pursued by UNFICYP with the Turkish Cypriot authorities. UNFICYP continued its efforts to facilitate relations in Pyla, a bi-communal village located in the buffer zone, including with regard to the police control point operated by the Government of Cyprus on the Larnaca-Pyla road outside the buffer zone, the construction of a minaret by the Turkish Cypriot community, and the question of installing telephones in the homes of Turkish Cypriot villagers.

18. While there were no significant incidents within the fenced area of Varosha, the Secretary-General, in his report S/23263, recalled that it had been repeatedly reiterated to the Turkish and Turkish Cypriot authorities that in the view of the United Nations the Government of Turkey was responsible for maintaining the status quo in the fenced area.

19. UNFICYP continued to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR), as coordinator of United Nations humanitarian assistance to needy displaced persons in Cyprus. The Force also maintained close cooperation and liaison with the respective police authorities on matters with inter-communal aspects.

20. Between 1 December 1990 and 30 November 1991, the Committee on Missing Persons in Cyprus (CMP) held 9 sessions comprising 39 meetings, of which 27 were attended by the 3 members of the Committee and their assistants (formal meetings) and 12 were attended solely by the 3 members (informal meetings). Communiqués were issued on 31 May and on 4 September 1991.

21. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/22665 and S/23263). A full account of the Secretary-General's mission of good offices in Cyprus is contained in his last two reports to the Security Council (S/23131 and S/23300).